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A.Nos.6041, 6042 of 2022

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in C.S.No.243 of 2021

SENTHILKUMAR RAMAMOORTHY, J.

These two applications are presented by the third defendant in the suit. A.No.6041 of 2022 is for rejection of the plaint and A.No.6042 of 2022 is to transfer the suit to the City Civil Court at Chennai.

2. According to the applicant / third defendant, the statements in the plaint do not disclose a cause of action. By drawing reference to paragraph 15 of the plaint, learned counsel for the applicant asserts that the said averments do not disclose a cause of action for the suit. The second submission is with reference to the valuation. In particular, it is submitted that prayer (c) has been overvalued and that the actual value of the property is Rs.30,00,000/-. A similar assertion is made in respect of prayer (e).

3. These applications are opposed by learned counsel for the plaintiff on the ground that the cause of action has been clearly set out in the plaint



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and that material documents have been filed along with the plaint in support thereof. As regards the valuation, learned counsel points out that an issue was framed (Issue No.5) as to whether the suit is properly valued. He further submits that the suit is at at the stage of cross examination of P.W.1 and that these applications have been filed to protract the proceedings.

4. The record discloses that issues were framed on 11.08.2022. As submitted by learned counsel for the plaintiff, Issue No.5 is whether the suit is properly valued. The record further shows that the suit is at the stage of cross examination of P.W.1.

5. Although an application for rejection of plaint can be filed at any stage, such application is required to be tested on the basis of statement made in the plaint. In support of the application to reject the plaint, the applicant makes two submissions. The first submission is that the plaint does not disclose a cause of action. On perusal of the plaint, including paragraph 15 thereof, it cannot be concluded that the plaint does not disclose a cause of action. It should be noticed, in this regard, that there is a



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material distinction between a plaint disclosing a cause of action and the suit being sustainable on such cause of action. The latter would obviously have to be decided in course of final disposal. Turning to the contention with regard to valuation, it is not contended that the suit is undervalued but that the suit is overvalued. As noticed earlier, Issue No.5 has been framed on this question. Therefore, this does not constitute a valid ground to reject the plaint or transfer the suit to the file of the City Civil Court at Chennai.

6. For reasons set out above, both these applications are rejected. List the matter before the learned Additional Master No.I on 12.01.2023 for recording evidence.

04.01.2023

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